

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for
West Valley Materials Recovery Facility
SWIS No. 36-AA-0341
August 22, 2013

Background Information, Analysis, and Findings:

This report was developed in response to the County of San Bernardino Division of Environmental Health Services – Local Enforcement Agency’s (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for West Valley Materials Recovery Facility located within an unincorporated portion of San Bernardino County and owned by West Valley MRF, LLC, and operated by West Valley Recycling & Transfer (c/o Burrtec Waste Industries). A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff’s analysis, findings, and recommendations.

The proposed permit was initially received on October 22, 2012; however, the timelines were waived to resolve outstanding local issues and better define the proposed project. A new proposed permit was received on April 19, 2013, June 14, 2013 and August 9, 2013. Action must be taken on this permit no later than October 8, 2013. If no action is taken by October 8, 2013 the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Project:

The following changes to the first page of the permit are being proposed:

	Current Permit (2007)	Proposed Permit
Permitted Operation	Transfer/Processing Facility, Compostable Material Handling Operation	Transfer/Processing Facility, Composting Facility, and Construction and Demolition/Inert Debris Processing Facility
Total Permitted Area	31.5 acres	33.1 acres

Other Changes include:

1. Submittal of a revised Report of Facility Information (RFI), dated July 2012, to reflect the proposed changes and current operations;
2. Revisions to the following sections of the SWFP: “Findings,” “Documents,” and “LEA Conditions” including rewording, additions and/or deletions for the purpose of updating and/or clarifying;
3. Add transfer truck paved parking area, and increase employees parking area;
4. Relocate finished organic products and inert materials storage;
5. Add a sort line to the construction and demolition/inert debris processing facility; and
6. Add a composting facility.

Key Issues:

The proposed permit will allow for the following:

1. 100 tons per day food and green waste aerated static pile composting facility; and
2. Increase the total permitted acreage from 31.5 to 33.1 acres.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated October 5, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on August 30, 2012. The LEA provided a copy to the Department on September 14, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 9, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on October 22, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and the Countywide Integrated Waste Management Plan, as described in their memorandum dated September 19, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch and LEA staff found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 5, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on October 22, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on September 6, 2012. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permitting and Assistance Branch staff accompanied the LEA on their monthly inspection on June 5, 2013, and the LEA found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2013 (January through July) – No violations were noted.
- 2012 - No violations were noted.
- 2011 - One violation of 14 CCR Section 17409.5 – Load Checking.
- 2010 – 2007 - No violations were noted.

The violation was corrected to the satisfaction of the LEA.

Environmental Analysis:

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Bernardino County Land Use Services Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: 100 tons per day food and green waste aerated static pile composting facility, add a sort line to the construction and demolition/inert debris processing facility, and increase the total permitted acreage from 31.5 to 33.1 acres. There will be no increase in the maximum daily tonnage. These changes are supported by the following environmental documents.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2011051033, was circulated for a 30 day comment period from May 12, 2011 to June 10, 2011. An addendum to the MND, dated January 10, 2013, was filed to change the locations of existing outdoor uses. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The MND, together with the

Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on May 7, 2012. In addition, a Notice of Exemption (NOE) was filed by the LEA with the County of San Bernardino Clerk of the Board on July 11, 2013 for the construction and demolition material sorting line under 14 CCR, Section 15303, Categorical Exemption, Class 3 – New Construction or Conversion of Small Structures. The sorting line was added to the project after a Notice of Determination was filed for the MND.

The County of San Bernardino Division of Environmental Health Services – Local Enforcement Agency, has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department. In regards to the addition of the sorting line to the project, the Department will file its own NOE.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, the NOEs filed by the LEA and the Department on the sorting line, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on September 6, 2012, at 6:00 p.m. at West Valley Materials Recovery Facility, 13373 Napa Street, in the City of Fontana. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 21, 2013, June 18, 2013, July 16, 2013 and August 20, 2013.